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**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

01-14-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #70

PUCCEL ENTERPRISES, INC.
Petitioner,

CONSOLIDATED

v.

GRIZZLY INDUSTRIAL, INC.
Respondent/Registrant

Opposition No. 123,506	Mark: GRIZZLY.COM
Cancellation No. 31,984	Mark: GRIZZLY
Cancellation No. 32,024	Mark: GRIZZLY
Cancellation No. 32,025	Mark: GRIZZLY INDUSTRIAL

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TRADEMARK TRIAL AND
APPEAL BOARD

**GRIZZLY'S REPLY IN SUPPORT OF ITS MOTION
TO EXTEND DISCOVERY AND TESTIMONY PERIODS**

Registrant, Grizzly Industrial, Inc., stands by its motion that the discovery and testimony periods be extended six (6) months from January 5, 2003. Although Opposer, Pucel Enterprises, Inc., asserts that six months is "simply too long". Grizzly made this request based on its experience with Pucel Enterprises during these proceedings. Since Grizzly filed this motion, Pucel has continued to cause discovery delays with inadequate responses to Grizzly's discovery requests.

While this is not a motion to compel Pucel, it is Pucel's slow and inadequate responses that are the reason for Grizzly requesting an additional six months. For instance, in response to Grizzly's notices of deposition of Pucel and its two principals for January 21, 22, and 23, 2003, Pucel's counsel responded in a letter dated January 2, 2003 that the deponents were unavailable without offering alternate dates. (Exh. A). Despite Grizzly's prompt response of January 3, 2003 requesting available dates (Exh. B), Pucel has not, to date, responded. Similarly, Pucel's January 3, 2003 response to Grizzly's second set of document requests stated that the documents "will be produced" or "will be further supplemented." (Exh. C). Pucel's response to Grizzly's second set of interrogatories is similarly deficient.

DD

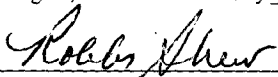
While Grizzly is attempting to resolve these deficiencies without seeking the intervention of the Board, such attempts take time. (Grizzly notes that its motion to compel adequate responses to its first set of discovery is pending before the Board.) Thus, Grizzly believes that its request for six months is made in good faith and justified.

For the foregoing reasons, petitioner's motion should be granted.

Date: January 10, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid in an envelope addressed to: Assistant Commissioner of Trademarks, 2900 Crystal Drive, Arlington, VA 22202 on January 10, 2003



ROBBI SHEW

By: 

Joseph F. Schmidt
Lisa C. Childs
MICHAEL BEST & FRIEDRICH LLC
401 North Michigan Avenue, Suite 1900
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(312) 661-2100
(312) 222-0818 (fax)

Attorneys for Respondent/Registrant Grizzly Industrial, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **GRIZZLY'S REPLY IN SUPPORT OF ITS MOTION TO EXTEND DISCOVERY AND TESTIMONY PERIODS** was served on Petitioner/Opposer at the following address:

Kenneth L. Mitchell
Woodling, Krost and Rust
Kirtland Office Complex
9213 Chillicothe Road
Kirtland, OH 44094

via first class mail, postage prepaid, January 10, 2003.



Attorney for Respondent/Registrant

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JB

Woodling, Krost and Rust
Attorneys and Counselors at Law

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PATENT CAUSES

January 2, 2003

Joseph F. Schmidt
MICHAEL BEST & FRIEDRICH LLC
401 N. Michigan Ave., Suite 1900
Chicago, IL 60611

Via Fax Only 312-222-0818

In re: Dockets 8041-A, B; United States Patent and Trademark Office Trademark Trial
and Appeal Board, Case Nos. 123,506 and 123,126

Dear Joe:

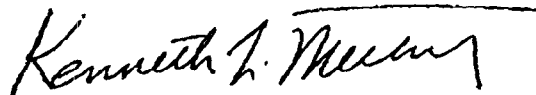
Please be advised that we are in receipt of your Notices of Deposition.
Unfortunately, those dates (January 21, 22 and 23) present conflicts for the deponents
and, as such, are unavailable. Please contact me so that we may attempt to schedule
suitable dates when our client and all counsel will be available.

Please confirm receipt of this letter so that I will be certain you received it.

If you have any questions, please call.

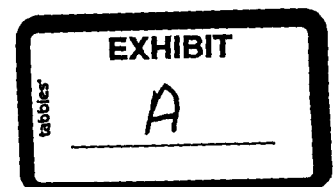
Very truly yours,

WOODLING, KROST & RUST



Kenneth L. Mitchell

KLM/LJS
8041-a-2let.wpd



January 3, 2003

VIA FACSIMILE: 866-241-4043

With Confirmation via U.S. Mail

Mr. Kenneth L. Mitchell
Woodling, Krost and Rust
Kirtland Office Complex
9213 Chillicothe Road
Kirtland, OH 44094

Re: Grizzly Industrial v. Pucel Enterprises

Dear Ken:

Thanks for your letter of January 2, 2003, advising that your client is not available for depositions on the noticed dates of January 21, 22 and 23. Please give me dates when you and the deponents are available for deposition.

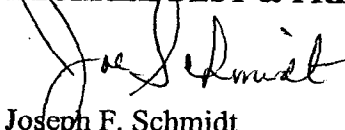
I am not available the weeks of February 10 and February 17, 2003.

Prior to January 21 will not work because you have not yet answered and/or supplemented your responses to certain discovery requests, and I need your responses well before the depositions.

I look forward to hearing from you.

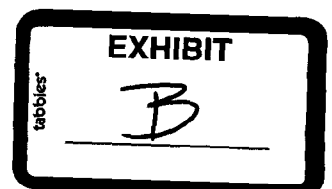
Sincerely,

MICHAEL BEST & FRIEDRICH LLC



Joseph F. Schmidt
JFS:mmr

cc: Lisa Childs



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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PUCEL ENTERPRISES, INC.

Opposer,

v.

GRIZZLY INDUSTRIAL, INC.

Applicant/Respondent

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) OPPOSITION NO. 123,506
) CANCELLATION NOS. 31,984,
) 32,024, AND 32,025
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PUCEL ENTERPRISES, INC.'S (MANUFACTURER OF GRIZZLY®
EQUIPMENT) RESPONSES TO SECOND REQUEST FOR PRODUCTION OF
DOCUMENTS 23-26

Now comes Pucel, manufacturer of GRIZZLY® Equipment and for its responses
states that:

REQUESTS

23. All documents identified in or used to prepare the responses to Grizzly
Industrial, Inc.'s Interrogatories Nos. 21-38 Directed To Pucel Enterprises which was
served concurrently herewith.

Response: These documents will be produced.

24. All documents identified in or used to prepare the responses to Grizzly
Industrial Inc.'s Request To Admit, Nos. 1-28 Directed to Pucel Enterprises, Inc. which
was served concurrently herewith.

Response: None.

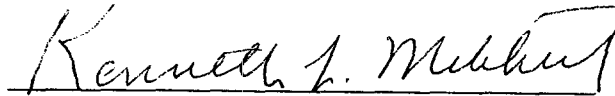
25. Documents which refer to or demonstrate the types of primary purchaseres
and end useres of Pucel's products, e.g., gas stations, machine shops(sic), woodworking
shops, vehicle repair shops, carpenters, mechanics, etc.



Response: Already produced. This response will be further supplemented.

26. All documents ever received from or sent to or regarding Grizzly Holdings, Inc., Grizzly Imports, Inc., or Grizzly Industrial, Inc.

Response: Already produced or the documents are in the possession of the party in position of defendant.



Charles R. Rust
Ohio State Bar No. 0001073
Kenneth L. Mitchell
Ohio State Bar No. 0031587
Attorneys-in-Charge
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9213 Chillicothe Rd.
Kirtland, OH 44094
(440) 256-4150 phone
(440) 256-7453 fax
Attorneys for Opposer

CERTIFICATE OF SERVICE

This is to certify that a copy of the above PUCEL ENTERPRISES, INC'S
(MANUFACTURER OF GRIZZLY® EQUIPMENT) RESPONSES TO SECOND
REQUEST FOR PRODUCTION OF DOCUMENTS 23-26 were mailed by U.S. First
Class Mail, postage prepaid, to Joseph F. Schmidt, Michael Best & Friedrich LLC, 401
North Michigan Ave., Suite 1700, Chicago, IL 60611, and faxed to 312-222-0818 this
3rd day of January 2003.

